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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION THREE

In re J.D. et al., Persons Coming Under the
Juvenile Court Law.

ORANGE COUNTY SOCIAL SERVICES
AGENCY,

Plaintiff and Respondent,

v.

A.D.,

Defendant and Appellant.

G054163

(Super. Ct. Nos. DP18920-003,
DP021540-002, DP026754-001)

O P I N I O N

Appeal from an order of the Superior Court of Orange County,
Gassia Apkarian, Judge. Affirmed.

Michelle L. Jarvis, under appointment by the Court of Appeal, for
Defendant and Appellant.

Leon J. Page, County Counsel, Karen L. Christensen and Aurelio Torre,
Deputy County Counsel, for Plaintiff and Respondent.

No appearance for the Minors.

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INTRODUCTION

When the juvenile court terminated its jurisdiction over M.D. and D.D., it entered an exit order granting their mother, A.D. (mother), two hours of monitored visitation two times per month. Mother challenges that order on appeal, contending the juvenile court erred by failing to award her six hours of visitation per week. We affirm. The visitation order was well within the court's discretion.

STATEMENT OF FACTS AND PROCEDURAL HISTORY

In an unpublished opinion, *In re J.D.* (Jan. 25, 2017, G053640), we affirmed the juvenile court's disposition order, which removed M.D. and D.D. from mother's custody and vested their custody with their father, R.U. (father).¹ In that opinion, we detailed the facts leading to detention, as well as the facts supporting the juvenile court's exercise of jurisdiction over M.D. and D.D., and its findings on disposition. We incorporate that opinion here by reference.

Three months after the disposition hearing, SSA recommended terminating the dependency proceedings as to M.D. and D.D, now seven years old and five years old, respectively. M.D. and D.D. were getting along well in father's home, and the residence was determined to be clean and safe.

Father's fiancé reported that M.D. had calmed down, and the demeanor of both children had improved since mother's visitation with them had been reduced to one hour, two times a month. The fiancé also stated that the children were more loving toward each other and others in the home. Both father and his fiancé claimed the children did not speak about mother.

¹ Mother's other children, J.D., T.D., and Al.D., were part of the proceedings we reviewed in G053640. They are not involved in the present proceedings, however.

Mother's visits with the children were appropriate. Mother had received referrals to different case plan services, such as therapy and parenting education, but mother stated it was difficult to arrange for the services due to their cost and distance.

At an interim hearing in August 2016, over mother's objection, the juvenile court terminated the dependency proceedings as to M.D. and D.D. Mother's counsel requested that the court grant her six hours of visitation with the children every week. The children's counsel agreed that the children missed mother, but objected to more than a minimal increase in mother's visitation until mother started performing her case plan. Father's counsel argued that there was no evidence that anything had changed that would justify increasing mother's visitation.

The juvenile court vested custody of the children with father, and granted mother visits with the children every other week for two hours per visit. Mother's visitation was required to be monitored because she had failed to show progress on many of her case plan components. The order specifically contemplated that it could be modified.

DISCUSSION

The juvenile court has the authority to issue an order for custody and visitation when dependency jurisdiction is terminated. (Welf. & Inst. Code, § 362.4.) Such an order must be made with a focus on the best interests of the children (*In re Chantal S.* (1996) 13 Cal.4th 196, 206), and with reference to the facts and circumstances of the particular case (*In re John W.* (1996) 41 Cal.App.4th 961, 970). The court's order is reviewed for abuse of discretion. (*In re Stephanie M.* (1994) 7 Cal.4th 295, 318-319.)

We conclude the juvenile court did not abuse its discretion in limiting mother's monitored visitation with the children to two hours, two times a month. Although mother was given six hours of visitation per week with the children when they were originally detained, at the time of disposition, mother's visitation had been limited to one hour, two times per month. The reduction in visitation was due to mother's

erratic, negative behavior throughout the dependency proceedings, and especially during visits with the children, as well as mother's failure to participate in her case plan. (See *In re J.D., supra*, G053640.)

Little had changed between disposition and the juvenile court's exit orders. While there were no significant problems noted with mother's visitation with the children, mother had showed no improvement. Mother continued to fail to participate in her case plan, claiming she could only participate in services if SSA paid for them or transferred jurisdiction to Los Angeles. Mother complained that she should not have to provide items for the children during visits (such as diapers when the children were younger) as long as the children were in the custody and care of foster parents or others. In its disposition order, the juvenile court noted that mother relied on others to care for her children, but only on her terms. (See *In re J.D., supra*, G053640.)

In contrast, the record showed that the behavior of M.D. and D.D. had improved, generally and toward each other, after visitation with mother was reduced. Nothing in the appellate record on this appeal indicates there has been any change in mother's attitude and behavior.

DISPOSITION

The order is affirmed.

FYBEL, J.

WE CONCUR:

MOORE, ACTING P. J.

IKOLA, J.